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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Joe Hand Promotions Incorporated,

10 Plaintiff,

11 v.

12 ECM Enterprises LLC, et al.,

13 Defendants.  
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No. CV-24-00427-PHX-KML

**ORDER**

15 Plaintiff Joe Hand Promotions Inc. seeks default judgment. (Doc. 21.) According to  
16 that motion, the amended complaint filed on May 30, 2023, “charged the Defendants with  
17 a violation of Section 705 of the Federal Communications Act of 1934, as amended, 47  
18 U.S.C. §§ 553 and 605.” (Doc. 21-1 at 2.) The amended complaint, however, asserts a  
19 single claim for copyright infringement “in violation of 17 U.S.C. §§ 106 and 501.” (Doc.  
20 6 at 6.) The Copyright Act found in Title 17 is not the same as the Communications Act  
21 found in Title 47. *See Joe Hand Promotions, Inc. v. Maupin*, No. 215CV06355ADSAKT,  
22 2018 WL 2417840, at \*8 (E.D.N.Y. May 25, 2018) (noting “the Copyright Act and the  
23 Communications Act . . . vindicate[] separate rights”). And the court cannot grant default  
24 judgment on claims not alleged in the operative complaint. *See Cripps v. Life Ins. Co. of*  
25 *N. Am.*, 980 F.2d 1261, 1267 (9th Cir. 1992) (“[N]ecessary facts not contained in the  
26 pleadings, and claims which are legally insufficient, are not established by default.”).

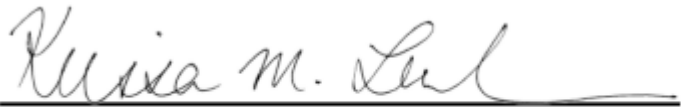
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1 Accordingly,

2 **IT IS ORDERED** the Motion for Default Judgment (Doc. 21) is **DENIED**. Plaintiff  
3 shall file a renewed motion for default judgment no later than **December 27, 2024**. Failure  
4 to file a motion for default judgment will result in the dismissal of this suit for failure to  
5 prosecute.

6 Dated this 18th day of December, 2024.

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10 **Honorable Krissa M. Lanham**  
11 **United States District Judge**  
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